

Senate forges compromise on sex-consent bill

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The state Senate ended its long agony over the age of sexual consent in New Jersey yesterday with a compromise that has apparently silenced, but not completely satisfied, both liberal and conservative critics.

In contrast to the emotional legislative battles over the consent issue in recent months, the 26-10 vote in the Senate was taken after a relatively brief and calm debate.

The bill approved yesterday would maintain the current age of consent at 16 by providing for juvenile penalties rather than criminal prosecution in most cases — unless the defendant is more than four years older than his or her sex partner.

Both houses of the legislature have already passed a bill preserving the existing sex consent laws, but Gov. Brendan T. Byrne has indicated he might veto it because of some of its more extreme measures.

THE FUROR OVER the consent issue surfaced when legislators, prompted by church leaders and some conservative groups, charged the new state penal code would in effect make it legal for a child of 13 to have sex.

The penal code, which is to become law on Sept. 1, was designed to take consenting sexual activity in the 13 to 15 age group out of the criminal process.

The compromise approved yesterday also takes sex between 13-, 14- and 15-year-olds out of the criminal process but it provides for penalties of up to 18 months in a juvenile institution for any youth found guilty of "impairing the morals of a minor."

This new offense of "impairing the morals of a minor" satisfied many of the legislators who had voted for the consent-at-16 bill under the political pressure of the spring primary elections.

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Sex consent deal forged

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THE PART of the compromise that puts a four-year age difference on criminal penalties when the defendant is found guilty of sex with anyone under 13 was endorsed by liberal legislators who wanted the sex code reformed.

Senate Judiciary Committee Chairman Martin Greenberg, D-Essex, explained the rationale of the new sex code provisions. He said the new code will be stronger because it absolves no one of punishment when the "victim" of the sexual act — either intercourse or sexual contact — is under 13.

Sen. Charles Yates, D-Burlington, voted for the compromise because, he said, "We were assured no one was going to prosecute some of its sillier provisions."

Yates was specifically critical of the legislation's attempt to define sexual contact as some forms of "heavy petting."

THE BILL would provide for penalties of up to 20 years for a first-degree offense and up to 10 years for a second-degree offense when the "actor" is convicted of sexual assault on anyone who is both four years younger and under 16.

"We are not saying when you can consent (to sex)," Greenberg said. "We are saying at what ages you will be prosecuted for being the actor."